

REMARKS/ARGUMENTS

I. Summary of the Office Action and this Reply

Applicants have further reviewed the above identified application in light of the Office Action dated November 10, 2004. Claims 1, 3-6 and 8-12 remain presented for examination in the language resulting from applicants' amendment filed March 10, 2005.

Claims 1, 10 and 12 are the only independent claims.

Claims 1-5 and 8-12 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,006,264 (Colby). Claims 6 and 7 were rejected under 35 U.S.C. § 103 as obvious from Colby in view of "the Applicant's discussion of the prior art". The Specification was objected to for not properly corresponding to Fig. 2.

II Response to Rejections based on Prior Art

With their amendment filed March 10, 2005, applicants have amending each of the independent claims to incorporate the features of original claims 2 and 7. Since all claims now incorporate the limitations of claim 7 and since the Office Action had rejected claim 7 under 35 U.S.C. § 103 as obvious from Colby in view of "the Applicant's discussion of the prior art", applicants will now address the rejection of all current claims as being under 35 U.S.C. § 103.

M.P.E.P. §2143 lists three requirements for a proper rejection based on obviousness, namely:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The present invention as defined by the current claim 1 relates to a "method of configuring a load balancer for dispatching client requests amongst a plurality of servers". The method comprises "for each one of said plurality of servers, creating and storing in a local memory a configuration file". Each such configuration file contains "parameters pertaining to

said server to be applied for configuring a load balancing scheme for a plurality of servers that include said server”, and “wherein said parameters comprise session affinity rules” and “wherein each of said configuration files is accessible to said load balancer”. The method further comprises “reading said parameters from said configuration file for each of said servers” and “configuring said load balancer to dispatch client requests to said servers based on an algorithm using said parameters”.

Claim 1 recited in part that the configuration file is stored in a “local memory” and that the parameters contained in these configuration files comprise “session affinity rules. The prior art fails to disclose or make obvious this recitation. As described in the Background of the Invention section of the present application, session affinity are rules for attempting to send different requests in a given session to the same server clone in a server group, when possible and are significant parameters in developing a load balance scheme. (Page 9, lines 24-26). Thus, the ability to automate session affinity rules as disclosed and claimed in the present application is a significant advantage over the prior art.

Colby relates to a method and system for directing flow between a client and a server that includes some automation of the process of feeding a load balancing algorithm with various parameters for each server. In particular, Colby utilizes an Intelligent Content Probe “whose job is to populate the CSD [Content Server Database] with server and content information by probing servers for specific content that is not found in the CSD during a flow setup” (col. 7, lines 4-7).

The Office Action specifically notes “Colby fails to expressly disclose: The parameters comprising session affinity rules” (paragraph 4, page 7). The Office Action goes on to state that while the parameters utilized by Colby do not include session affinity rules, it would be obvious to do so because “session affinity rules were well known in the art at the time of the present invention” (page 7, lines 4-5), referencing the applicants’ discussion of the prior art on page 7, lines 14-21 of his specification.

However, the existence in the prior art of session affinity rules alone is insufficient basis for the present obviousness rejection. As noted in the present application, the nature of session affinity parameters does not readily lend itself to an automation process. “[T]he variables in the

configuration file will largely be the same. One notable exception is that the session affinity cookies will be unique to each server” (page 14, lines 16-18). Moreover, the format of this cookie information, which contains cryptic identification codes, cannot be readily parsed and processed by a remote load balancer. The present invention overcomes this problem in the prior art by utilizing local storage at the server which then permits the session affinity data to be “properly formatted into the markup language supported by the load balancer and returned to the load balancer” in response to a request for configuration information (page 11, lines 12-18).

Colby fails to teach or suggest use of affinity information, much less a means by which affinity information can automatically be provided to a load balancer. That session affinity information and its importance were arguably well-known at the time argues in favor of applicants’ position that Colby did not have the means to incorporate this “session affinity” feature of claim 1 into his invention. Consequently, the §103 obviousness rejection of claim 1 fails the test of M.P.E.P. quoted above. Particularly, the alleged knowledge of session affinity rules in the prior art still leaves the prior art lacking a teaching of how to incorporate them into Colby’s system of automating feeding a load balancing algorithm with server parameters when those parameters are session affinity rules. At a minimum, there is no suggestion in the prior art to store the session affinity data locally. Furthermore, the second prong of the test fails as there was no reasonable expectation of success of combining Colby’s teachings with the use of session affinity information.

Applicant submits that neither Colby alone, nor Colby in combination with Applicants’ discussion of the prior art, teaches or fairly suggests the features of claim 1 where “session affinity rules” are obtained by a load balancer by reading parameters from a plurality of server configuration files. Accordingly, claim 1 is deemed patentable over Colby. Claims 10 and 12 also contain this feature and are deemed patentable over Colby for at least the same reasons.

A review of the other art of record has failed to reveal anything that would remedy the deficiencies of the art discussed above. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted,

Robert DeLima

By:

A handwritten signature in black ink, appearing to read 'Thomas J. Onka', written over a horizontal line.

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